

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

[illegible]

**ORDER GRANTING DEFENDANT'S
UNOPPOSED SECOND MOTION TO CONTINUE**

Defendant Hider's unopposed second motion to continue (Doc. 17, filed May 15, 2023) is **GRANTED**. This case is **RESET** for the court's **September 5, 2023** trial docket. By separate order, a United States District Judge will set the trial date.

Based on the factual findings below, the time from the date of this order until **September 5, 2023**, is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A).

In addition, the deadline for pretrial motions is extended to **August 15, 2023**, with any responses due on or before **August 22, 2023**. The parties shall notify the court on the earliest practicable business day that counsel are able to determine whether the case is to be placed on the consent docket or scheduled for trial; but, in either event, the parties shall notify the court on or before **August 15, 2023**.

BACKGROUND

Defendant Hider was arraigned on December 15, 2022. On January 18, 2023, the undersigned granted Defendant Hider's unopposed first motion to continue. Doc. 16; *see* Doc. 15. On January 17, 2023, Defendant Hider filed a notice of waiver

of rights under the Speedy Trial Act. Doc. 15 at 2–3.

LEGAL STANDARD

Under 18 U.S.C. § 3161(h)(7)(A), the “periods of delay” that “shall be excluded” in “computing the time within which the trial of [a] [criminal] offense must commence” include “[a]ny period of delay resulting from a continuance granted by any judge . . . at the request of the defendant or his counsel,” if “the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” *Id.*¹

Furthermore, under 18 U.S.C. § 3161(h)(7)(B)(iv), the “factors” that a “judge shall consider in determining whether to grant [such] a continuance” include “[w]hether the failure to grant such a continuance in a case . . . would deny counsel for the defendant” the “reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” *Id.*; e.g., *United States v. Davenport*, 935 F.2d 1223, 1229, 1235–36 (11th Cir. 1991).

¹ “No such period of delay resulting from a continuance granted by the court in accordance with this paragraph shall be excludable under this subsection unless the court sets forth, in the record of the case, either orally or in writing, its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A); *see infra*.

FACTUAL FINDINGS

The undersigned **FINDS** that the ends of justice served by granting this continuance outweigh the best interest of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

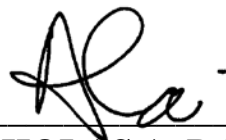
The undersigned also **FINDS** that the failure to grant this continuance would deny Defendant's counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

In this regard, based on Defendant's motion, and notice of waiver of rights under the Speedy Trial Act (Doc. 15 at 2–3), the undersigned **FINDS** (1) that the discovery in this case is voluminous, (2) that Defendant Hider's counsel requires significant time to process and review the discovery with Ms. Hider, and (3) that, despite the exercise of due diligence, Defendant Hider's counsel requires additional time to complete its investigation, to confer with Ms. Hider, and to prepare the constitutionally required defense.

CONCLUSION

For the reasons stated above, Defendant's motion to continue is **GRANTED**.

DONE and **ORDERED** this May 19, 2023.



NICHOLAS A. DANELLA
UNITED STATES MAGISTRATE JUDGE